

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**DAVID KRAUSE,**

**Petitioner,**

**v.**

**Case No. 05C0957**

**PHIL KINGSTON,**

**Respondent.**

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**ORDER**

Petitioner David Krause filed this petition pursuant to 28 U.S.C. § 2254, asserting that his state court conviction and sentence were imposed in violation of the Constitution. Pursuant to Rule 4 of the Rules Governing § 2254 Cases, Magistrate Judge Patricia J. Gorence screened the case, concluded that petitioner had set forth cognizable constitutional claims and ordered respondent to file an answer. Respondent complied. Subsequently, this case was assigned to me due to respondent's refusal to proceed before the magistrate judge. This order sets forth a briefing schedule.

**IT IS ORDERED** that the parties shall abide by the following schedule regarding the filing of briefs on the merits of petitioner's claims: (1) petitioner shall have forty-five (45) days from the date of this order within which to file a brief in support of his petition; (2) respondent shall have forty-five (45) days following the filing of petitioner's initial brief within which to file a brief in opposition; and (3) petitioner shall have thirty (30) days following the filing of respondent's opposition brief within which to file a reply brief, if any.

Pursuant to Civil L.R. 7.1(f), the following page limitations apply: briefs in support of or in opposition to the habeas petition or a dispositive motion filed by respondent must

not exceed thirty pages and reply briefs must not exceed fifteen pages, not counting any statements of facts, exhibits, and affidavits.

Dated at Milwaukee, Wisconsin, this 20 day of February, 2006.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge